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**UNITED STATES DISTRICT COURT
 EASTERN DISTRICT OF CALIFORNIA**

| | | |
|--------------------------------|---|---------------------------------------|
| STEPHEN CAMPA |) | Case No.: 3:23-cv-1760-MMC |
| |) | |
| Plaintiffs, |) | ORDER PRELIMINARILY CERTIFYING |
| |) | SETTLEMENT CLASS, |
| v. |) | PRELIMINARILY APPROVING |
| |) | SETTLEMENT, DIRECTING NOTICE, |
| BOARD OF TRUSTEES OF THE SHEET |) | AND SETTING FAIRNESS HEARING; |
| METAL WORKERS PENSION PLAN OF |) | DIRECTIONS TO PARTIES RE: |
| NORTHERN CALIFORNIA; BENESYS, |) | CORRECTIONS IN NOTICE TO CLASS |
| INC. |) | |
| |) | |
| Defendant. |) | |
| |) | |

Plaintiff's Motion for Preliminary Approval of Proposed Class Action Settlement, Preliminary Certification of Settlement Class, Approval of Notice and Schedule for Fairness Hearing is, for the reasons stated at the hearing conducted on June 28, 2024, GRANTED and it is ORDERED as follows:

1. Class Certification. The proposed settlement class meets the requirements of Federal Rule of Civil Procedure 23(a). The class is sufficiently numerous, consisting of 25 members. The commonality requirement is met in that the class claim for breach of fiduciary duty turns on a common set of facts concerning administration of the Sheet Metal Workers Pension Plan of Northern

1 California. Plaintiff's claims are typical of the claims of the class because all class members have
2 similar claims arising out of the same alleged errors in plan administration. Plaintiff is an adequate
3 class representative on these claims, having no interest different from those of the class with respect to
4 the claims.

5 The proposed settlement class is maintainable under Federal Rule of Civil Procedure 23(b)(1)
6 because all the class members were affected by the same alleged errors in plan administration and any
7 equitable relief for those errors, including plan reformation, would apply equally to all class members.
8 Therefore, inconsistent adjudications on this point would establish incompatible standards for the
9 administration of the Plan and resolution of the claims for equitable relief as to one class member
10 would effectively control the claims of all class members.

11 This case shall be maintained as a class action for settlement purposes on behalf of the
12 following class of plaintiffs: All individuals identified in Appendix B to the Settlement Agreement,
13 filed with the Court at Doc. No. 45-1 (page 21 of Class Action Settlement).

14 This case shall be maintained as a class action for settlement purposes with respect to the
15 following cause of action: Claims for breach of fiduciary duty against Defendants Board of Trustees
16 of the Sheet Metal Workers Pension Plan of Northern California and Benesys, Inc., alleging that
17 Defendants breached their fiduciary duties in causing Plaintiff's and the class's claims for unreduced
18 early retirement pensions to be approved and paid contrary to the Plan terms.

19 2. Class Representative; Class Counsel. Plaintiff Stephen Campa is designated as class
20 representative and Bolt Keenley Kim LLP is designated as counsel for the class.

21 3. Exclusion. Class members may not exclude themselves from the class.

22 4. Proposed Settlement. The proposed settlement between the plaintiff class and
23 defendants and the non-party participant in the settlement, Neyhart, Anderson Flynn & Grosboll, P.C.
24 ("Neyhart") appears, upon preliminary review, to be within the range of reasonableness and
25 accordingly shall be submitted to the class members for their consideration and for a hearing under
26 Federal Rule of Civil Procedure 23(e). The terms of the settlement are summarized as follows:
27

a. Amendment of the Plan. The Plan will be amended to provide for a “Special Retirement” benefit for the class members substantially in the form reflected in Appendix A to the settlement agreement. This amendment will be made within 45 days of the order granting final approval to this settlement becoming final.

b. Payment to the trust. Within 90 days of the order granting final approval to this settlement becoming final, Defendants and Neyhart will cause a total of \$2,516,561.56 to be paid to the Plan’s trust to fund the Special Retirement benefit provided for by the amendment to the Plan, in the following amounts:

| Party | Amount |
|--------------|------------------------|
| Board | \$ 503,312.31 |
| Benesys | \$ 629,140.39 |
| Neyhart | \$ 1,384,108.86 |
| Total | \$ 2,516,561.56 |

c. Settlement Administration and Payments. Settlement administration will be performed by the parties jointly, with Defendants and/or their agents ensuring that the Plan is properly amended and that class member’s Special Retirement benefits are correctly calculated and all benefits due to Class Members promptly paid retroactive pension benefits and that forward going payments are promptly adjusted to the Special Retirement amounts.

d. Uncashed Checks. If there are any uncashed checks resulting from this settlement, Defendants will comply with existing Plan terms and legal procedures for handling unclaimed pension benefits due to Class Members.

e. Released Claims. Mr. Campa and the class members will release any claims against Defendants that are, were, or could have been alleged, arising out of any or all of the acts, omissions, facts, matters, transactions, or occurrences that were alleged, asserted, or set forth in the complaint concerning the process and payment of early retirement benefit claims and arising prior to final approval.

1 f. Application for Class Representative Service Payment. Class counsel will apply
2 for a service payment for Mr. Campa of \$5,000 that will be paid by Defendants separately from and in
3 addition to the payment to the Plan's trust. If the Court awards less than this amount, Defendants will
4 pay the lesser amount.

5 g. Application for Attorney's Fees and Costs. Class counsel may apply to the
6 Court for an award of attorney's fees and costs of up to \$167,500, to be paid by Defendants separate
7 from and in addition to the payment to the Plan's trust. The deadline to file the Application for
8 Attorney's Fees and Costs, as well as the request for a Class Representative Service Payment, is within
9 30 days of the date of this Order.

10 5. Fairness Hearing. A hearing shall be held in Courtroom 7, 19th Floor, United States
11 District Court, 450 Golden Gate Ave., San Francisco, California, at 9:00 AM on Friday, November 15,
12 2024, to consider whether the settlement should be given final approval.

13 a. Objections by class members to the proposed settlement will be considered if
14 filed in writing with the Clerk of Court on or before 30 days following the mailing date of the class
15 notice.

16 b. At the hearing, class members may be heard orally in support of or in opposition
17 to the settlement, provided such persons file with the Clerk on or before 30 days following the mailing
18 date of the class notice a written notification of the desire to appear personally, indicating (if in
19 opposition to the settlement) the nature of the objection.

20 c. Plaintiff shall file a motion for final approval, which motion shall include any
21 responses to objections, no later than two weeks before the fairness hearing. Counsel for the class and
22 for the defendants should be prepared at the hearing to respond to objections filed by such class
23 members and to provide other information, as appropriate, bearing on whether or not the settlement
24 should be approved.

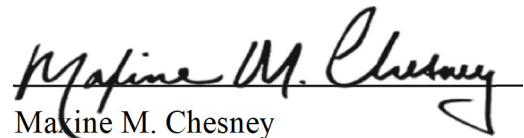
25 6. Notice. The class notice attached to Notice of Filing Revised Proposed Class Action
26 Settlement Agreement and Revised Proposed Class Notice (Doc. No. 45-2) fairly and adequately:
27 (i) describes generally the terms and binding effect of the Settlement and the Settlement Agreement

and explains how the settlement will be implemented and how class members will receive the payments required by the settlement, (ii) gives notice of the date, time, and place of the Fairness Hearing,¹ (iii) describes how an objection may be made to entry of the Final Approval Order and the deadline for filing such Objection,² (iv) describes how Class Counsel will apply to the District Court for an award of attorney's fees and costs, and (v) describes how the Named Plaintiff will apply to the District Court for a Class Representative Service Payment. Defendants shall cause the notice to be mailed to the class members at the last known addresses for the Class Members on file with the Plan's record-keeper, and Class Counsel shall publish the notice on their firm website, within 30 days of the issuance of this Order.

IT IS SO ORDERED.

July 26, 2024

Dated


Maxine M. Chesney
United States District Judge

¹ The parties are hereby DIRECTED to change the two references to the date of the Fairness Hearing set forth in the revised proposed class notice from November 8, 2024, to November 15, 2024.

² The parties are hereby DIRECTED to change the two references to the deadline for filing an Objection set forth in the revised proposed class notice from September 13, 2024, to September 25, 2024.